

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**WORTHINGTON CYLINDER CORP.,**

**Plaintiff,**

**v.**

**Case No. 2:12-cv-554**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Mark R. Abel**

**SCHRADER-BRIDGEPORT  
INTERNATIONAL, INC.,**

**Defendant.**

**ORDER**

This matter is before the Court for consideration of the January 3, 2014 motion for a stay. (ECF No. 80.) In this motion, Plaintiff asks this Court to stay briefing on Defendant's pending motion to exclude (ECF No. 70) until disposition of Defendant's motion for summary judgment (ECF Nos. 54, 55). Plaintiff also requests that, if the Court denies the stay, the Court grant Plaintiff 21 days from the date of that denial in which to file a memorandum in opposition to the motion to exclude.

None of Plaintiff's five arguments for a stay warrant the relief requested. First, there is no prohibition against filing a motion early, only a prohibition against filing such a motion late. Second, this Court is fully capable of separating the motion to exclude from the motion for summary judgment so that the motion to exclude does not serve as an impermissible supplement to the summary judgment arguments. If the motion to exclude is a mere impermissible attempt at supplementing the summary judgment briefing, the motion to exclude will be treated accordingly. Third, the merits of the motion to exclude do not warrant a stay. Fourth, the prompt disposition of all pending motions and the ability of the Court to recognize moot issues outweigh any minimal expenditure of resources that briefing on and the disposition of the motion

to exclude will entail. Any burden on Plaintiff should be minimal given Plaintiff's contention that the motion to exclude arguments essentially mirror the motion for summary judgment arguments. Fifth, the fact that Defendant would likely suffer no prejudice as a result of a stay is not sufficient grounds for a stay.

The Court **DENIES** the motion for a stay and its contingent request for an extension of briefing. (ECF No. 80.) Because Plaintiff has not presented good cause for an extension of the motion to exclude briefing, the original deadline under S.D. Ohio Civ. R. 7.2(a)(2) for filing the memorandum in opposition remains applicable.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
GREGORY L. FROST  
UNITED STATES DISTRICT JUDGE